

Placed on 1st reading and referred
to HPD 9/7/21; 2nd reading 9/20/21.
Substituted by HPD 11/8/21 and
recommended for adoption.

ORDINANCE NO. 32-2021

Bullock, Kepple, Litten, Neff,
BY: O'Malley, Rader, Shachner

AN ORDINANCE to take effect immediately provided it receives the affirmative vote of at least two thirds of the members of Council to amend Section 1775.01, Weed, tall grass, nuisance vegetation or growths over sidewalks of the Codified Ordinances of the City of Lakewood, to amend what is considered a noxious or poisonous weed.

WHEREAS, the root systems of certain species of bamboo can invade neighboring properties if not properly contained;

WHEREAS, there is a need for clarifying language to permit the Building Department to remove bamboo that has spread from its original premises of planting or is not being maintained;

WHEREAS, there is increasing interest in maintaining yards that support pollinators;

WHEREAS, there are plants enumerated in Section 1775.01(a) Weed, tall grass, nuisance vegetation or growths over sidewalks; removal, that are not listed as prohibited noxious weeds in Ohio Administrative Code Section 901:5-37-01.

WHEREAS, as set forth in Section 2.12 of the Third Amended Charter of the City of Lakewood, this Council by a vote of at least two thirds of its members determines that this ordinance is an emergency measure and that it shall take effect immediately and that it is necessary for the immediate preservation of the public property, health, and safety and to provide for the usual daily operation of municipal departments in regulating noxious or poisonous weeds in Lakewood should be adopted as soon as possible; now, therefore

BE IT ORDAINED BY THE CITY OF LAKEWOOD, OHIO:

Section 1. Section 1775.01(a) of the Codified Ordinances of the City of Lakewood, currently reading as follows:

The owner, occupant or person having the charge or management of any lot or parcel of land situated within the City, whether the same be improved or unimproved, vacant or occupied, within forty-eight hours of notice to do so, shall cut or destroy, or cause to be cut or destroyed, any noxious or poisonous weeds, including but not limited to Russian, Canadian or common thistle, all wild lettuce, wild mustard, wild parsley, ragweed, milkweed, chickweed, wild garlic, quack grass, doddars, wild carrot, common cockle, docks, chicory, tall grasses or other undesirable vegetation, growing upon such lot or parcel of land, and prevent the same from blooming or going to seed, or exceeding a height of six inches, or spreading pollen which may be harmful to human health, or creating a fire hazard or refuge and breeding place for rodents and other vermin.

is hereby repealed.

Section 2. That new Section 1775.01(a) is hereby enacted to read as follows:

The owner, occupant or person having the charge or management of any lot or parcel of land situated within the City, whether the same be improved or unimproved, vacant or occupied, within forty-eight hours of notice to do so, shall cut or destroy, or cause to be cut or destroyed, the following:

- (1) Any tropical or semi-tropical grasses classified as "running bamboo" with monopodial (leptomorph) rhizome (root) systems when the plant has spread from its original premise of planting or is not being maintained.
- (2) Apple of Peru (*Nicandra physalodes*).
- (3) Canada thistle (*Cirsium arvense*).
- (4) Columbus grass (*Sorghum x almum*).
- (5) Cressleaf groundsel (*Senecio glabellus*).
- (6) Field bindweed (*Convolvulus arvensis*).
- (7) Forage Kochia (*Bassia prostrata*).
- (8) Giant Hogweed (*Heracleum mantegazzianum*).
- (9) Grapevines (*Vitis* spp.), when growing in groups of one hundred or more and not pruned, sprayed, cultivated, or otherwise maintained for two consecutive years.
- (10) Hairy whitetop or ballcress (*Lepidium appelianum*).
- (11) Heart-podded hoary cress (*Lepidium draba* sub. *draba*).
- (12) Hedge bindweed (*Calystegia sepium*).
- (13) Japanese knotweed (*Polygonum cuspidatum*).
- (14) Johnsongrass (*Sorghum halepense*).
- (15) Kochia (*Bassia scoparia*).
- (16) Kudzu (*Pueraria montana* var. *lobata*).
- (17) Leafy spurge (*Euphorbia esula*).
- (18) Maretail (*Conyza canadensis*).
- (19) Mile-A-Minute Weed (*Polygonum perfoliatum*).
- (20) Musk thistle (*Carduus nutans*).
- (21) Palmer amaranth (*Amaranthus palmeri*).
- (22) Perennial sowthistle (*Sonchus arvensis*).
- (23) Poison hemlock (*Conium maculatum*).
- (24) Purple loosestrife (*Lythrum salicaria*).
- (25) Russian knapweed (*Acroptilon repens*).
- (26) Russian thistle (*Salsola Kali* var. *tenuifolia*).
- (27) Serrated tussock (*Nassella trichotoma*).
- (28) Shatter cane (*Sorghum bicolor*).
- (29) Water Hemp (*Amaranthus tuberculatus*).
- (30) Wild carrot (*Daucus carota*).
- (31) Wild parsnip (*Pastinaca sativa*).
- (32) Tall grasses or other undesirable vegetation blooming or going to seed, or exceeding a height of six inches (excluding maintained ornamental grasses), or spreading pollen which may be harmful to human health, or creating a fire hazard, or refuge and breeding place for rodents and other vermin.

Section 3. That new Section 1775.02 of the Lakewood Codified Ordinances is hereby enacted to read as follows:

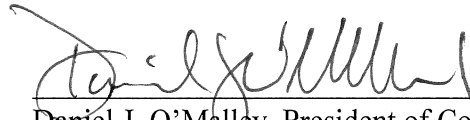
1775.02 Height of Vegetation and Right of Ways.


All vegetation regardless of type that has a height greater than 3'0" and impedes visibility of a right of way for motorists and pedestrians is prohibited.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

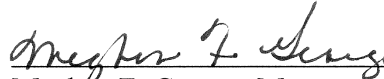
Section 5. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health, safety and welfare in the City and for the usual daily operation of the City for the reasons set forth and defined in the preamble to this resolution, and provided it receives the affirmative vote of at least two thirds of the members of Council, this ordinance shall take effect and be in force immediately upon adoption by the Council and approval by the Mayor, or otherwise it shall take effect and be in force after the earliest period allowed by law.

Adopted 11/15/2021


Daniel J. O'Malley, President of Council


Maureen M. Bach, Clerk of Council

Approved 11/17/21


Meghan F. George, Mayor

